

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYRIL SABBAGH,

Plaintiff,

V.

CELL THERAPEUTICS INC.

Defendant.

CASE NO. C10-414 MJP

ORDER DENYING ATTORNEYS FEES AND REIMBURSEMENT FOR OBJECTORS

THIS MATTER comes before the Court on the Motion for Attorneys Fees by Objector

Daniel M. Delluomo (Delluomo) and the Motion for Attorneys Fees and Reimbursement of

Expenses by Objectors Preston Atamanczyk, Jeffery Goldstein (Goldstein). (Dkts. No. 127, 132.)

The Court DENIES both motions.

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Analysis

1. Delluomo Motion

Class member Delluomo is an attorney who represented himself as a registered pro se

objector. (Dkt. No. 132.) Attorneys cannot collect fees or costs for representing themselves. See

1 | Kay v. Ehrler, 499 U.S. 423 (1991). The 9th Circuit makes clear there is “... a general rule that
2 pro se litigants, attorneys or not, cannot recover attorneys’ fees.” Elwood v. Drescher, 456 F.3d
3 943, 947 (2006). Delluomo represented himself, so his claim must be DENIED.

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5 2. *Goldstein Motion*

6 Attorneys Goldstein and Atamanczyk claim to have been instrumental in reducing class
7 counsel’s requested 30% fee to a 23% fee, saving 1.33 million for the benefit of the class. (Dkt.
8 No. 127 at 1.) The Court does not agree that attorneys’ arguments impacted the reduction of
9 counsel fees. The Court was well aware of the case law cited and arguments made and results
10 achieved. The 9th Circuit only awards attorneys’ fees for objectors when their arguments further
11 the analysis. Goldstein and Atamanczyk are not entitled to fees or reimbursement. Wininger v. SI
12 Mgmt., L.P., 301 F.3d 1115, 1125-26 (2002).

13

14 Conclusion

15 Because neither motion presents a viable claim to attorneys’ fees or reimbursement, both
16 motions are DENIED.

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18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated this 30th day of October, 2012.

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22 Marsha J. Pechman
23 Chief United States District Judge

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